

JCS Rec'd PCT/PTO 22 SEP 2005

Attorney Docket No.: 1171/42920/159-PCT-US

~~10/534561~~

UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Wixey and Makinson )  
For: BREATHING ASSISTANCE )  
APPARATUS )  
Serial No.: 10/534,561 ✓ )  
Filed: May 9, 2005 )  
Art Unit: Not Yet Assigned )  
Atty Docket No.: 1171/42920/159-PCT-US )

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
MAILING LABEL NUMBER: EV 36512917745  
DATE OF DEPOSIT: 9/22/2005  
I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE BOX ADDRESSEE" SERVICE UNDER 35 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.  
Bryan E. Sexton  
Bryan E. Sexton

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**MAIL STOP: MISSING PARTS**

Sir:

The above-noted application was filed on May 9, 2005, via Express Mail. As a result of the original, executed Declaration document not being attached to said application, a Notice to File Missing Parts issued.

In response to the aforementioned Notice, please find enclosed herewith the following:

- a. The original Declaration and Power of Attorney for Patent Application executed by the inventors, David Fraser Wixey and Ian Douglas Makinson.
- b. A copy of the aforementioned Notice to File Missing Parts of Application
- c. A check in the amount of \$130.00 for payment of late filing of the executed Declaration and Power of Attorney.

If the afore-mentioned check is missing or insufficient, the Commissioner is hereby authorized and requested to charge Deposit Account No. 20-1495 for any amount necessary to cover any costs associated with this Response or to credit any overpayment.

Respectfully submitted,

Dated: September 22, 2005

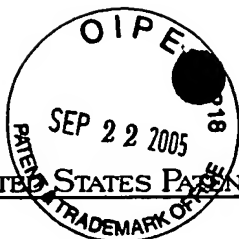
By: \_\_\_\_\_

10/03/2005 ATOM 10000047 10000051

10/03/2005

130.00 00

Raiford A. Blackstone, Jr., Reg. No. 25,156  
Linda L. Palomar, Reg. No. 37,903  
Attorneys for Applicant  
Trexler, Bushnell, Giangiorgi,  
Blackstone & Marr, Ltd.  
105 W. Adams Street, 36th Floor  
Chicago, IL 60603-6299  
(312) 704-1890



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

Page 1 of 2

04-23-05

PCT

JCP-H. Case 159PCT

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/534,561	David Fraser Wixey	1171/42920/159-PCT-US

INTERNATIONAL APPLICATION NO.
PCT/NZ03/00243

I.A. FILING DATE	PRIORITY DATE
10/29/2003	11/12/2002

279

TREXLER, BUSHNELL, GIANGIORGI  
BLACKSTONE & MARR, LTD.  
105 WEST ADAMS STREET  
SUITE 3600  
CHICAGO, IL 60603

RECEIVED

SEP 02 2005

TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.

CONFIRMATION NO. 7450  
371 FORMALITIES LETTER  
\*OC000000016866696\*  
\*OC000000016866696\*

Date Mailed: 08/29/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/09/2005
- Copy of the International Search Report filed on 05/09/2005
- Copy of IPE Report filed on 05/09/2005
- Preliminary Amendments filed on 05/09/2005
- Information Disclosure Statements filed on 08/04/2005
- Oath or Declaration filed on 05/09/2005
- Request for Immediate Examination filed on 05/09/2005
- U.S. Basic National Fees filed on 05/09/2005
- Priority Documents filed on 05/09/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/534,561	PCT/NZ03/00243	1171/42920/159-PCT-US

FORM PCT/DO/EO/905 (371 Formalities Notice)